

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1935.

DISPOSITION: May 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

10899. Misbranding of Yogourt Culture. U. S. v. 21 Bottles * * *, and a number of window streamers and leaflets. (F. D. C. No. 19021. Sample No. 14614-H.)

LABEL FILED: February 8, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: By Gaymont Laboratories, from Chicago, Ill. The product was shipped on or about January 5, 1946, and the window streamers were enclosed in the shipping cartons. The leaflets were delivered to the consignee by a representative of the shipper on or about March 1, 1945.

PRODUCT: 21 bottles of Yogourt Culture, and a number of window streamers entitled "The Original Dr. Gaymont's Yogourt Culture Now Prepare Yogourt—The Amazing Milk Health—Food at Home" and a number of leaflets entitled "Science Says * * * Live Longer," at Detroit, Mich. Examination of a sample of the product showed that it had the composition indicated on the label.

LABEL, IN PART: "The Original Dr. Gaymont's Yogourt Culture."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements appearing on the window streamers and in leaflets which accompanied the article were false and misleading since they represented and suggested that Yogourt prepared with the article would be effective to enable the user to live longer, to enjoy youth for extra years, to maintain the health of those who are healthy and restore health to those who are unhealthy, and to remedy intestinal disorders. The article would not be effective for those purposes.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2094.

DISPOSITION: March 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10900. Misbranding of Rosell Institute's Original Yogurt Culture. U. S. v. 18 Packages * * *, and a number of circulars and leaflets. (F. D. C. No. 18694. Sample No. 36947-H.)

LABEL FILED: January 3, 1946, Western District of Washington.

ALLEGED SHIPMENT: By International Yogurt Co., from Beverly Hills, Calif. The product was shipped on or about November 3, 1945, and the circulars were enclosed in the shipping cases with the product. A portion of the leaflets was received by the consignee during the month of October 1944, and a portion was received subsequent to that date.

PRODUCT: 18 packages of Rosell Institute's Original Yogurt Culture, and 200 circulars entitled "Yogurt Culture A Health Aid" and about 500 leaflets entitled "Keep Young With Rosell Institute Yogurt Culture," at Seattle, Wash. Examination of the product showed that it was a culture of viable lactobacilli, as represented in the labeling.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the circulars and leaflets which accompanied the article were false and misleading since they represented and suggested that milk cultured with the article would enable the consumer to enjoy better than average health, to retain beauty for a long time, and to keep the spirit of youth for many years; that it would greatly aid health and vitality, prolong life, prevent dysfunction of the vital organs, particularly the gastrointestinal tract, prevent premature old age, and fight unfriendly microbes; and that it constituted an adequate treatment for chronic constipation, colitis, ulcers, and allied intestinal conditions. The article would not be effective for such purposes.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2093.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.